

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

KEVIN L. DICKENS,

Plaintiff,

v.

COMMISSIONER STAN TAYLOR, et al.,

Defendants

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C.A. No. 04-00201-LPS

MEMORANDUM ORDER

At Wilmington this **4th** day of **April, 2013**:

IT IS HEREBY ORDERED THAT:

The parties have failed to agree as to which claims against which Defendants remain in this case. (*See, e.g.*, D.I. 226 at 21-24; D.I. 227 at 1-2; D.I. 230 at 1-2; D.I. 231 at 11) Having reviewed the case docket – including the March 4, 2004 complaint (D.I. 2), November 3, 2006 screening order and memorandum opinion (D.I. 31; D.I. 32), the Court’s April 29, 2008 description of the screening order (D.I. 83), the Court’s November 24, 2009 rulings on dispositive motions (D.I. 167; D.I. 168), the parties’ recent filings outlining their positions (identified by docket numbers above), and the Court’s ruling in its April 3, 2013 Order dismissing Defendants Howard, Sagers, Secord, and Taylor (D.I. 241) – the Court finds that, as to the State Defendants, only the following claims against the following Defendants remain to be tried and will be the subject of the trial to commence on April 15, 2013:

1. a. Count A failure to protect against Defendants Harvey and Rainey.
- b. Count A excessive force on October 14, 2003 against Defendants Gardels,

Stanton, and Evans.

- c. Count A conditions of confinement against Defendant Evans.
- 2. Count B medical needs against Defendant Carroll.
- 3. Count C access to courts against Defendant Oney.
- 4. a. Count D retaliation against Defendant Tyson.
b. Count D failure to protect against Defendants Cunningham, Belanger,
Drake, Burton, and Carroll.
- 5. Further, the Clerk of Court is directed to terminate the following individuals as
defendants on the Court docket, as no claims are pending against them:

- a. Betty Burris
- b. Major Holman
- c. Jayme Jackson
- d. Brian Engram
- e. Cpl. Kromka


UNITED STATES DISTRICT JUDGE